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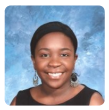
Nursing homes face threats of citations, penalties if they restrict visitor access without good cause



Danielle Brown

CMS Administrator Seema Verma speaks in mid-September in Washington D.C. following the release of the national nursing home commission's report.

Providers who fail to facilitate in-person visitations "without a reasonable clinical or safety cause" could be cited and face other penalties under new guidance issued Thursday by the Centers for Medicare & Medicaid Services.

The agency updated its guidance on nursing home visitation during the COVID-19 pandemic, which creates a framework for providers to facilitate in-home visitation, and resume communal activities and dining.

The agency stated in a memo that it believes the guidance represents reasonable ways a nursing home can facility in-person visitation and failure to do so "without adequate reason related to clinical necessity or resident safety" would constitute a potential violation. It could also lead to a citation and enforcement actions.

"No one should be forced to weather this pandemic alone — especially the most vulnerable among us — so we're using every lever at our disposal to ensure America's seniors in nursing homes can continue seeing loved ones in a safe way," CMS Administrator Seema Verma wrote in an op-ed Thursday.

Core principles

The guidance explains that outdoor visits are preferred because it poses a lower risk of transmission due to increased space and airflow. Facilities should accommodate and support indoor visits, beyond compassionate care situations, if there have been no new cases in the last 14 days and visitors adhere to core principles.

Providers must adhere to the "Core Principles of COVID-19 Infection Prevention" in order to conduct visits. Those principals include screening everyone who enters the facility, cleaning and disinfecting frequently touched areas often and conducting resident and staff testing. Nursing homes can restrict access to visitors who don't adhere to the core principles.

Nursing homes also should limit the number of visitors per resident and the number of visitors in the facility at a single moment, and limit movement within the facility. The guidance also recommends that visits can occur at facilities in areas with low or medium COVID-19 county positivity rates; while visits at facilities in areas with high rates should only occur for compassion care situations.

The moves come a half year after the agency suspended visitor access, communal dining and all group activities in mid-March. CMS stated though the initial guidance was focused on protecting residents from COVID-19 it has since recognized that "physical separation from family and other loved ones has taken a physical and emotional toll on residents.

"CMS understands that nursing home residents derive value from the physical, emotional, and spiritual support they receive through visitation from family and friends. In light of this, CMS is revising the guidance regarding visitation in nursing homes during the COVID-19 [public health emergency,]" the agency wrote in the memo.

Vice President Mike Pence and CMS Administrator Seema Verma speak Thursday.

Praise for nursing home commission

Vice President Mike Pence said the release of an extensive report by a national nursing home commission laid the framework for resuming in-person visits at nursing homes.

"The recommendations' today that will lay a framework for communities to begin opening up once again — open up for in-person visitation in our nursing homes. I know it's going to be a blessing for families across the country," he said during a routable discussion Thursday with several commission members.

"Setting up this commission was a great idea. It really helped guide our efforts and essentially after looking at the results of the report it validated all of the work that we've done," Verma added.

Pence also assured that the federal government "will continue to do our part to make sure that we scale testing and provide testing supplies, including point-of-care testing that makes it possible to be able to visit."

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Tony Hanlon • 10 months ago • edited

Just once I would like to see CMS have a recommendation and/or a policy change for the

Just once I would like to see CMS have a recommendation and/or a policy change for the Providers that does not threaten "citations and/or face sever penalties". Either way, the provider will face citations or sever penalties. Allow visitor into the facility, visitors infect the facility, the provider should have known better, and put at risk people in harms way. Result, citations and IJ penalties with sever media backlash. Deny visitation, citations, penalties, sever media backlash. Which is it? For once, how about giving the providers some credit for the hard work maintained during this difficult time, for the huge accomplishments achieved and gained by the entire industry since the pandemic's start, and then work with the industry to develop safe standards to bringing families and visitors back into the environment without the threat of penalties and disastrously negative outcomes?

Also, what about the hospitals? Why are hospitals exempt from these negative policies and threats? Throughout the entire pandemic isn't it amazing only SNFs received the terrible infection control attention? There was not one single hospital pointed out as having infection control issues? It is difficult to believe that every single hospital in the United States of America is complaint with the stringent infection control practices the Skilled Care Facilities are surveyed under when the hospitals are allowed to use empty wings as skilled nursing units under the emergency declaration waiver.

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Jon → Tony Hanlon • 10 months ago

30 years in the Skilled business, and if I ever hear CMS say "Let us help", I'll know its time to retire. That said looks like I just signed up for another 30.....

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jgibbsphd • 10 months ago

And to think, MOST of these bureaucrats have never worked in the actual industry. In my state, 85% of all surveyors and state and local public health regulators have never worked in any SNF/LTC facility or corporation in any capacity.

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jgibbsphd • 10 months ago • edited

SNAFU as usual. CMP's, fines and law suits if we allow visits that cause Covid-19 outbreaks, and CMP's, fines and law suits if we don't allow visits that may cause Covid-19 outbreaks. CMS and other agencies are getting more and more schizophrenic every day. All these agencies know how to do is THREATEN fines and penalties.

I think it is time to vacate this industry and return to my prior career.

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Bucky • 10 months ago

This is nothing more than CMS covering their a$$es after a lawsuit was filed in Texas naming agencies and individuals that mandated no visitation in SNFs. Pretty sure Selma didn't want to see her name next to the word "Defendant". Of course now SNFs will take the brunt of what happens next...again.

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Nathan Lee • 10 months ago

First, it was “We’ll fine and cite you if you allow ANYONE in!”. Now, it’s “We’ll fine and cite you if you try to keep them out!”.

As soon as this new policy leads to major outbreaks again (watch for it!) they'll reverse themselves again. All the while, threatening to fine and cite nursing homes caught in the middle.

SOSDD!! (Same Old S, Different Day!)

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Silver Linings • 8 months ago

Let the outbreaks begin! Between bringing in people for visits and now California is letting residents go out for holiday visits to families homes for holiday gatherings, we can plan on outbreaks, no staff, an increase in funerals and lawsuits.

There is no backbone once the agencies start getting sued they throw everyone else under the bus. We might as well open up for everyone to enter and let the CMS and Department of Health come and manage the buildings, time to Rise up!

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Paula C • 10 months ago

CMS needs to help not hurt our residents. Really Covid testing for all visitors. Wake up insurance does not pay for this are we really saying that the ransom for being able to see my loved one is

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